



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

DOROTHY LOWERY, ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV137LN

KUHLMAN CORPORATION, ET AL

DEFENDANTS

ORDER

The court has been advised by letter dated January 3, 2006, from Mary D. McAllister, counsel for plaintiffs, with copies to all counsel, that pursuant to order entered July 1, 2005, settlement of this case is nearing completion. Final settlement is to be consummated after resolution of medicare/medicaid and bankruptcy lien issues and entry of chancery court orders for minors and decedents. A copy of the letter is attached hereto. There does not presently appear to be any basis for further proceedings by this court. Accordingly, IT IS HEREBY ORDERED that this cause be passed to the inactive files and may be reopened upon request of any party in the event that the presently contemplated settlement should not be concluded.

ORDERED this 30th day of January, 2006.


UNITED STATES DISTRICT JUDGE

DAVID NUTT & ASSOCIATES, P.C.

ATTORNEYS AT LAW

DAVID H. NUTT
MARY E. MCALISTER*
DOUGLAS G. MERCIER

JOLIE CULIPHER, PARALEGAL
BETH CLATWORTHY, PARALEGAL
RENEE D. HITT, PARALEGAL
MARIA L. BROWN, PARALEGAL

*also licensed in Louisiana

January 3, 2006

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TOM B. LEE
U.S. DISTRICT COURT

Honorable Tom S. Lee
U.S. District Court
245 East Capitol Street, Suite 110
Jackson, Mississippi 39201

Honorable Alfred G. Nicols, Jr.
U.S. District Court
245 East Capitol Street, Suite 502
Jackson, Mississippi 39201

Re: *Lowery, et al. vs. Kuhlman Corporation, et al.*
In the United States District Court for the Southern District of Mississippi, Jackson
Division, C.A. No. 3:04cv137LN

Bourne, et al. vs. Kuhlman Corporation, et al.
In the United States District Court for the Southern District of Mississippi, Jackson
Division, C.A. No. 3:05cv39BN;

Davis, et al. vs. Kuhlman Corporation, et al.
In the United States District Court for the Southern District of Mississippi, Jackson
Division; CA No. 3:04cv136BN;

Mack, et al. vs. Kuhlman Corporation, et al.
In the United States District Court for the Southern District of Mississippi, Jackson
Division; CA No. 3:04cv138BN; and,

Adams, et al. vs. Kuhlman Corporation, et al.
In the United States District Court for the Southern District of Mississippi, Jackson
Division; CA No. 3:04cv136BN

Dear Judge Lee and Judge Nicols:

Pursuant to the Order entered July 1, 2005, please be advised that the settlement of the referenced actions is nearing completion. We anticipate the final installment payment from Kuhlman and its related entities will be transferred to us today. Monsanto and its related entities advise that they will release the remaining settlement funds to us after we obtain Chancery Court approval for approximately 272 minors and 85 decedents' claims. The Chancery Court pleadings will be filed within the coming month with hearings to be conducted as soon as we can get them scheduled.

Honorable Judges Lee and Nichols

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We are awaiting information from Medicare and Medicaid with respect to potential subrogation liens for those clients whose settlement awards include compensation for PCB-related diseases. Lien issues with Medicaid are largely resolved but we cannot predict when Medicare will respond to our requests for information.

We also now have approximately 31 clients with potential bankruptcy liens which have not yet been resolved. We have resolved bankruptcy lien issues for 130 clients. Appropriate bankruptcy motions will be filed within the month for all clients whose bankruptcy trustees elect to administer the debtors' Kuhlman claims to seek court approval of the settlement and our attorney fees and expenses.

Out of a total of 1,402 clients, only 6 clients have rejected the settlement proposal, and despite our best efforts we cannot locate 6 clients who have failed to keep us informed of their whereabouts. Two clients have never responded to the settlement proposal and, under the terms of the settlement agreement, will be deemed to have rejected the settlement. We have obtained court orders allowing us to withdraw from representation of two clients, and have two motions to withdraw pending for two other clients who terminated our services.

We estimate that the settlement will be fully effectuated after resolution of the Medicare/Medicaid and bankruptcy lien issues and entry of Chancery Court orders for minors and decedents, and we will render an update to the Court at that time.

If there are any questions, please let us know.

Sincerely yours,

DAVID NUTT & ASSOCIATES



Mary E. McAlister

Cc: All counsel of record